

Message Text

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13
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FM SECSTATE WASHDC
TO AMEMBASSY ATHENS PRIORITY

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E.O. 11652: N/A

TAGS:CPAS, GR

SUBJECT: CPAS: DUTIES OF CONSULAR OFFICERS -
WITNESS OF MARRIAGE

REF: (A) USC TITLE 22, SECTION 1172, AND CFR TITLE 22,
PART 52; (B) ATHENS 1406

1. UNDER DEPARTMENT REGULATIONS 22 C.F.R. 52.3(B) A
CONSULAR OFFICIAL IS NOT AUTHORIZED TO ACT AS OFFICIAL
WITNESS IN PRESENT SITUATION WHERE HE HAS ASCERTAINED
SUCH MARRIAGE IS ILLEGAL UNDER APPLICABLE LOCAL (I.E.,
GREEK) LAW. IT IS NOT CONSIDERED MATERIAL THAT UNDER
22 U.S.C. SECTION 1172 SUCH A MARRIAGE IN THE PRESENCE
OF A CONSULAR OFFICIAL IS VALID IN THE U.S. IF IT
WOULD BE VALID UNDER THE LAWS OF THE DISTRICT OF COLUMBIA.
IT IS OUR VIEW THAT CONSULAR OFFICIALS DESPITE ANY
PROVISION OF U.S. LAW OF THIS KIND ARE REQUIRED TO ACT
IN CONFORMITY WITH LOCAL LAW AND SHOULD NOT PARTICIPATE
IN ANY ILLEGAL CEREMONY. REGULATIONS ALSO PROHIBIT
ILLEGAL MARRIAGE CEREMONIES TAKING PLACE AT EMBASSY OR
CONSULATE (8 FAM 264.2).

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2. APPRECIATE THAT GREEK LAW NEEDS TO BE MODERNIZED
BUT SIMILAR ANTIQUATED PROVISIONS HAVE EXISTED UNTIL

RECENTLY IN LAWS OF U.S. STATES (E.G. MARYLAND) AND
STILL EXIST IN LAWS OF OTHER COUNTRIES (E.G. ISRAEL). INGERSOLL

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Message Attributes

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Margaret P. Grafeld
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